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DECOMMISSIONING AND/OR LONG-TERM STEWARDSHIP

DRAFT ENVIRONMENTAL IMPACT STATEMENT

PUBLIC SCOPING MEETING

ASHFORD OFFICE COMPLEX

9030 ROUTE 219

ASHFORD, NEW YORK

APRIL 10, 2003  
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REPORTED BY: SUSAN M. RYCKMAN, Court Reporter,  
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SPEAKERS:

JOHN CHAMBERLAIN,  
Communications Department,  
West Valley Demonstration Project.

DANIEL W. SULLIVAN,  
DOE Document Manager,  
West Valley Demonstration Project.

PAUL BEMBIA, NYSERDA.

JAMES LIEBERMAN, ESQ., FOR THE NRC.

ANNA BRADFORD, NRC.

PAUL GIARDINA, EPA.

TIMOTHY RICE, NYSDEC.

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JAMES PICKERING,  
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Arcade, New York.

DIANE D'ARRIGO,  
Nuclear Information Resource Service.

GARY ABRAHAM,  
Concerned Citizens.

1                   MR. CHAMBERLAIN: Good evening, and  
2 welcome. I am John Chamberlain. I work in the  
3 Communications Department of the West Valley  
4 Demonstration Project. I will be acting as  
5 moderator for this meeting that is being held by the  
6 Department of Energy and the New York State Energy  
7 Research and Development Authority.

8                   You may hear terms this evening that you  
9 are not familiar with. I encourage you to note any  
10 acronyms or terms that are unclear to you, and ask  
11 for clarification at the end of the presentations,  
12 as they're done, or during the question and answer  
13 period that follows.

14                  On March 13th, 2003, a notice was  
15 published in the Federal Register by the Department  
16 of Energy and New York State Energy Research and  
17 Development Authority of their intent to prepare an  
18 Environmental Impact Statement, or EIS, for  
19 decommissioning and/or long-term stewardship at the  
20 West Valley Demonstration Project and Western New  
21 York Nuclear Service Center. This study will revise  
22 the Draft EIS released in 1996 for public review and  
23 comment for completion of the West Valley  
24 Demonstration Project and closure or long-term  
25 management of facilities at the Western New York

1 Nuclear Service Center.

2 DOE decided in 2001 to rescope the 1996  
3 Draft EIS into two studies. A new EIS, developed by  
4 DOE, focussed on near-term management and off-site  
5 shipping of West Valley Demonstration Project  
6 radioactive wastes, and continuation of the joint  
7 DOE and NYSERDA EIS to focus on the long-term issues  
8 and alternatives for WVDP completion and site  
9 closure or stewardship. A public meeting was held  
10 at that time to receive comments on the rescoping  
11 approach and on the content and scope of the waste  
12 management EIS.

13 The purpose of this meeting is to receive  
14 comments on the scope of work to be considered in  
15 the revision of the Draft 1996 EIS. Before we move  
16 forward with presentations on this Environmental  
17 Impact Statement and the receipt of public comments,  
18 I think it would be valuable to provide some  
19 background on the site and the West Valley  
20 Demonstration Project. This will establish the  
21 context in which the decommissioning and/or  
22 long-term stewardship EIS is being developed.

23 Western New York Nuclear Service Center is  
24 a 3,345-acre site owned by New York State Energy and  
25 Research and Development Authority or NYSERDA. From

1       1966 to 1972 a private company operated the  
2       state-owned commercial-used nuclear fuel  
3       reprocessing facility at the site. Following the  
4       1976 announcement by the private operator of its  
5       intent to withdraw from reprocessing, the US  
6       Congress passed legislation in 1980 directing the  
7       Federal Department of Energy to come to the site and  
8       conduct a demonstration project to solidify the  
9       liquid high level waste at the site. This very  
10      radioactive liquid was a by-product of the  
11      reprocessing operation.

12               In 1982 DOE assumed control of  
13      approximately 200 acres of the Western New York  
14      Nuclear Service Center to conduct the project. New  
15      York State maintained ownership of the entire  
16      center, and controlled the balance of the property  
17      outside the DOE project premises.

18               DOE and NYSERDA jointly began the EIS for  
19      completion of the West Valley Demonstration Project  
20      and closure or long-term management of the Western  
21      New York Nuclear Service Center in December 1988.  
22      This effort resulted in a Draft EIS being issued for  
23      public review and comment in 1996.

24               DOE and NYSERDA will continue as joint  
25      lead agencies revising the 1996 Draft EIS. DOE,

1 under the National Environmental Policy Act, and  
2 NYSERDA, under the State Environmental Quality  
3 Review Act, plan to evaluate the range of reasonable  
4 alternatives to address their respective  
5 responsibilities. The US Nuclear Regulatory  
6 Commission, US Environmental Protection Agency, and  
7 New York State Department of Environmental  
8 Conservation are participating as cooperating  
9 agencies.

10 In a moment, Dan Sullivan, DOE EIS project  
11 manager, and Paul Bembia, NYSERDA Environmental  
12 Monitoring Manager, will further explain the work to  
13 be considered in this revision of the Draft EIS.

14 Following their presentations, there will  
15 be a brief question and answer period, specifically  
16 to clarify items related to this EIS process or the  
17 proposed actions being evaluated. As well  
18 Mr. Sullivan and Mr. Bembia, Miss Anna Bradford from  
19 the Nuclear Regulatory Commission; Mr. Paul Giardina  
20 from the Environmental Protection Agency, and  
21 Mr. Tim Rice from NYSDEC, will be available to  
22 answer questions.

23 Following the question and answer period,  
24 we will be receiving oral comments from individuals  
25 who have registered to speak. Each speaker will be

1 provided approximately five minutes. If you have  
2 not registered and would like to speak, you can sign  
3 up now at the table to my right.

4 For the official record, I wish to note  
5 this scoping meeting is being held on April 10th,  
6 2003, at the Ashford Office Complex in Ashford  
7 Hollow, New York. Before I turn the meeting over to  
8 Dan Sullivan, I would ask if you have any questions  
9 regarding his presentation, please write them down  
10 and ask them during the question and answer period  
11 that follows. Dan?

12 MR. SULLIVAN: Okay. Thank you, John.  
13 Good evening, everybody. I'm Dan Sullivan with the  
14 Department of Energy. The Department of Energy is  
15 at the West Valley site because of an act of  
16 Congress. There are several responsibilities we  
17 have there, several actions that we take. One of  
18 the most important we've actually already  
19 accomplished, and that is solidifying the liquid  
20 waste that was in the high level waste tanks. And  
21 we solidified that through a process called  
22 vitrification, and it is complete and done safely.  
23 A great accomplishment for the Department of Energy,  
24 but there's more work to be done.

25 Tonight we will talk about a study that's

1 going to evaluate options to do some of that work.  
2 This process was begun in 1988. Together, the  
3 Department of Energy and NYSERDA are preparing a  
4 Joint EIS, a study that looks at what to do with the  
5 rest of the site, how to decommission the facilities  
6 here.

7 In 1996 when we issued this draft, the  
8 scope of that document was to look at completing the  
9 demonstration project and decommissioning the site.  
10 We issued that draft in 1996 without a preferred  
11 alternative.

12 Okay. Since then, John talked about some  
13 of the things that have happened. We rescoped that  
14 document to now, essentially, take that EIS and  
15 we've made two EISes out of it. One EIS is a  
16 stand-alone document that will look at the waste  
17 management decisions. Previously that decision,  
18 along with the decommissioning decision, was in one  
19 document. Now there's two documents. Tonight we're  
20 talking about the decommissioning piece. The waste  
21 management piece, separate EIS, will be available  
22 for public review sometime in early May.

23 Additionally, the scope of the 1996 EIS  
24 was revised to modify the alternatives, to address  
25 NRC's policy statement. The Nuclear Regulatory



1 Commission published a final policy statement for  
2 West Valley in February of 2002. This EIS has its  
3 alternatives patterned after what's in that policy  
4 statement.

5 The agencies that are involved in this  
6 EIS, John did mention them, I will just go through  
7 them again real quickly: The Nuclear Regulatory  
8 Commission, the Environmental Protection Agency, and  
9 the New York State Department of Environmental  
10 Conservation. They are all cooperating agencies  
11 under NEPA. In plain English, a cooperating agency  
12 is an agency that brings special expertise and/or  
13 jurisdiction by law. And in the case of all of  
14 these agencies, they bring that to the table.

15 NYSDEC is an involved agency under SEQRA,  
16 which is similar to the process I just described  
17 under NEPA, which is the National Environmental  
18 Policy Act, and then SEQRA is essentially the State  
19 equivalent, for simplicity.

20 This EIS evaluates five alternatives, and  
21 I've got posters for those alternatives that I will  
22 walk through in a second. Pictures do help. The  
23 five alternatives are: Unrestricted Site Release,  
24 Partial Site Release Without Restrictions, Partial  
25 Site Release With Restrictions, Monitor and

1 Maintain, and a No Action Alternative, a Walk Away  
2 Alternative.

3 The objective of the study is to provide a  
4 decision maker with enough information to make an  
5 informed decision. The EIS is structured such that  
6 these alternatives can be compared to one another to  
7 do that.

8 The Unrestricted Release alternative is  
9 the farthest poster. Last night I didn't spend much  
10 time walking over to the posters, and a suggestion  
11 was made that I should do that, it would probably  
12 help. This is the illustration of what Unrestricted  
13 Site Release could potentially look like. This is  
14 what we're starting with right now. So what this  
15 would entail is all these facilities, including  
16 these burial grounds, are all removed, disposed of  
17 off-site. So this is what you're left with. So  
18 much of the site, all of the site, could potentially  
19 be released for unrestricted use.

20 The second alternative is Partial Site  
21 Release Without Restrictions, which is similar to  
22 alternative 1, the difference being the burial  
23 grounds that are here, would remain in place under  
24 regulatory control. But other portions of the site,  
25 including this area where these facilities were,

1 would be available for unrestricted release.

2 The third alternative is Partial Site  
3 Release With Restrictions. That's Partial Site  
4 Release Without Restrictions, this is Partial Site  
5 Release With Restrictions. The similarities are the  
6 burial grounds would again remain under regulatory  
7 control, the facilities that we have today on site  
8 would be rubblized and/or closed in place,  
9 decommissioned in place, to meet the criteria that  
10 NRC's prescribed in their policy statement. And  
11 this illustration shows these areas closed in place,  
12 decommissioned in place, and capped. And that's  
13 what this center piece is supposed to depict.

14 This portion of the site couldn't just be  
15 released in an unrestricted sense, it could be  
16 released in a restricted sense, according to NRC's  
17 policy statement. But there are other portions of  
18 the site unimpacted that could be released and  
19 unrestricted, in an unrestricted way. Again, burial  
20 grounds are under regulatory control.

21 The fourth alternative is Monitor and  
22 Maintain. And essentially, that is conducting the  
23 business as we do today, from a monitoring  
24 standpoint. The center and facilities and property  
25 would continue to be managed and monitored and

1 maintained, and then any remedial action that would  
2 be necessary would be taken. I think that's all I  
3 want to say about that particular option.

4 The fourth alternative is a Walk Away  
5 Alternative. NEPA requires a Walk Away Alternative.  
6 It's not something the Department intends to do, but  
7 it's useful to compare the other alternatives. We  
8 had some comments about that last night. That is  
9 not an option that the Department of Energy is going  
10 to undertake, but as I mentioned just a minute ago,  
11 it is useful to compare other alternatives.

12 In the Notice of Intent that we published,  
13 there were several factors and issues that decision  
14 makers are going to consider in this process. And  
15 this is just a short list of some of the things that  
16 are in the Notice of Intent, but I thought it was  
17 worthwhile to go through some of these.

18 Short term and long-term impacts to the  
19 environment, the workers, and the population. Those  
20 are factors that will be considered in the analysis,  
21 along with costs, both short term and long-term  
22 costs. Ability to comply with applicable  
23 requirements. Long-term stewardship issues is a key  
24 issue for many. That will be part of the analysis,  
25 along with long-term site stability. In addition,

1 waste disposition, including interim management and  
2 transport.

3 In terms of a schedule and process: We  
4 had a meeting last night, we have a meeting tonight.  
5 My goal is to get as much input on the process as  
6 possible. Input from the public on the alternatives  
7 that we're considering analyzing, additional  
8 alternatives, feedback is what we're looking for.  
9 These comments are going to be considered during the  
10 preparation of the revised Draft EIS. Comments were  
11 provided on the '96 Draft EIS. No comment will be  
12 lost, they're all part of the administrative record.  
13 We intend to issue a revised draft as early as  
14 December of 2003. As early as December of this  
15 year. That's my goal.

16 A public comment period would be held for  
17 up to 180 days, and another goal is to issue a  
18 record decision in 2004. So approximately a year  
19 after the draft is published, then issue a record of  
20 decision.

21 That was it for my prepared remarks. We  
22 will be available for questions shortly.  
23 Paul Bembia is next.

24 MR. BEMBIA: I'm Paul Bembia; I'm a  
25 program manager with the New York State Energy

1 Research and Development Authority, and also known  
2 as NYSERDA. And I'm the lead project manager for  
3 NYSERDA on the Environmental Impact Statement. I'm  
4 here tonight to talk a little bit about NYSERDA's  
5 involvement in the process.

6 NYSERDA owns the Western New York Nuclear  
7 Service Center on behalf of the State of New York.  
8 We have eleven people at the West Valley site under  
9 the management of Dr. Paul Piciulo. We provide the  
10 day-to-day management of a couple different areas of  
11 the Western New York Nuclear Service Center. We  
12 manage the State-Licensed Disposal Area, and we also  
13 manage a portion of the site called the retained  
14 premises, and I will tell you more about those in a  
15 minute. In addition to that, NYSERDA funds 10  
16 percent of the cost of the West Valley Demonstration  
17 Project, and so as part of that role, we monitor  
18 West Valley Demonstration Project activities by  
19 NYSERDA.

20 Now, what I want to do tonight, and again  
21 I want to tell you about our role in the  
22 Environmental Impact Statement, and to frame that a  
23 little bit, I will talk a little bit about the  
24 Western New York Nuclear Service Center and a little  
25 bit about the regulatory framework for this site.

1 First of all, the center is a 3300-acre site. It's  
2 located primarily in the Town of Ashford in  
3 Cattaraugus County, and there's a small portion of  
4 the site that's located in the Town of Concord in  
5 Erie County. The center is made up of a few  
6 different areas, and I would like to tell you a  
7 little bit about those.

8 First there's the West Valley  
9 Demonstration Project premises. This is about  
10 180-acre portion of the site. It's the area here  
11 that's outlined in green. This is the portion of  
12 the site where a majority of the reprocessing  
13 facilities were located when the site operated for  
14 field reprocessing. It's the area of the site that  
15 the Department of Energy controls in order to  
16 conduct the West Valley Demonstration Project, and  
17 it's also where the majority of the facilities that  
18 are going to be assessed in the EIS are located.

19 Adjacent to the West Valley Demonstration  
20 Project premises, but not part of it, is this blue  
21 cross-hatched area here. That's the State-Licensed  
22 Disposal Area. That's the shutdown commercial  
23 radioactive waste disposal facility on the site.  
24 It's about 15 acres. It operated in the 1960s and  
25 1970s, and that portion of the site is managed by

1       NYSERDA.

2               The remainder of the site is the area that  
3       we call the retained premises, it's this blue area  
4       here. That portion of the site is also managed by  
5       NYSERDA, but you do see on there some little green  
6       areas in here. Those areas are part of the West  
7       Valley Demonstration Project, they're project  
8       facilities. Those two areas there are some  
9       reservoirs that are on site. In addition to that,  
10      there are some other minor facilities, like a firing  
11      range, warehouse, some environmental monitoring  
12      locations, but those areas that are managed by the  
13      Department of Energy under the West Valley  
14      Demonstration Project. That's kind of the structure  
15      of the site.

16             Now I want to talk just a little bit about  
17      the regulatory framework. The Western New York  
18      Nuclear Service Center, with the exception of the  
19      State-Licensed Disposal Area, was licensed by the  
20      Nuclear Regulatory Commission in 1966 when  
21      reprocessing operations began. The technical  
22      specifications to that license, the day-to-day  
23      operational procedures for the facilities, were put  
24      in abeyance or temporarily set aside when the  
25      Department of Energy took over the major facilities



1 to conduct the West Valley Demonstration Project.

2 The State-Licensed Disposal Area is not  
3 under the NRC license, it's regulated by the New  
4 York State Department of Environmental Conservation.  
5 There's a Part 380 permit for the State-Licensed  
6 Disposal Area, that's for the regulation and  
7 prevention of discharges of radioactive materials.  
8 The New York State Department of Environmental  
9 Conservation also regulates hazardous wastes and  
10 hazardous constituents with the State-Licensed  
11 Disposal Area and for the West Valley Demonstration  
12 Project as well.

13 The Environmental Protection Agency also  
14 has a role in the regulation of the hazardous  
15 materials or hazardous constituents and wastes, and  
16 they also have other regulatory responsibilities on  
17 this site. And as John mentioned, I think Dan, we  
18 have representatives here tonight from the Nuclear  
19 Regulatory Commission, EPA, and NYSDEC, and they are  
20 participating in the EIS process.

21 Okay. So that brings us to how NYSERDA is  
22 participating in the Environmental Impact Statement.  
23 First, we're a joint lead agency with the Department  
24 of Energy on the Environmental Impact Statement.  
25 Now why is that? It's because the Environmental

1       Impact Statement is looking at the entire Western  
2       New York Nuclear Service Center. It looks at the  
3       West Valley Demonstration Project premises, but also  
4       the portions of the site that NYSERDA's responsible  
5       for. And we will be making decisions on the  
6       direction for decommissioning or long-term  
7       management of those facilities that we're  
8       responsible for.

9               Because the EIS covers more than the West  
10       Valley Demonstration Project, we have a written  
11       agreement with the Department of Energy regarding  
12       the preparation of the EIS, and under that written  
13       agreement, the Department of Energy manages the  
14       preparation of the EIS with their contractors.

15              And then again, NYSERDA will use this EIS  
16       to support decisions that we'll make for the areas  
17       of the site that we're responsible for, and I want  
18       to talk about that next.

19              Okay. So, again, NYSERDA will use the  
20       document to decide the direction for the  
21       decommissioning and long-term management for the  
22       facilities that we're responsible for. So for the  
23       retained premises portion of the site, that's the  
24       blue area here, NYSERDA is responsible for the  
25       management of this area, it's under the Nuclear

1 Regulatory Commission license. So we will be  
2 deciding the direction of decommissioning and  
3 long-term management for that portion of the site.  
4 Because when the Department of Energy completes the  
5 demonstration project we intend to terminate the  
6 license, we will use the analysis in the  
7 Environmental Impact Statement to support any  
8 license applications or license termination actions  
9 as a result of that.

10 For the West Valley Demonstration Project  
11 premises, the same thing. Upon DOE's completion of  
12 the West Valley Demonstration Project, NYSERDA  
13 intends to terminate the license, and we will use  
14 this Environmental Impact Statement to support those  
15 license applications.

16 For the State-Licensed Disposal Area,  
17 again that area is not under the NRC license. That  
18 area is regulated by NYSDEC. But again, we're  
19 looking at all of the facilities at the Western New  
20 York Nuclear Service Center, including the  
21 State-Licensed Disposal Area, so we will be looking  
22 at the direction for decommissioning and long-term  
23 management of the SDA. Accordingly, again, if there  
24 are any permit actions, permitting activities that  
25 come out of that decision, we use the EIS to support

1       those, and those would be NYSDEC permits.

2               Finally, if anyone would like anymore  
3       information about NYSERDA, our programs here at the  
4       center, or our general programs, or our involvement  
5       in the EIS, please feel free to contact me. My  
6       telephone number is 942-4900. E-mail is  
7       pbj@nyserda.org. You can also get general  
8       information on NYSERDA's program at [www.nyserda.org](http://www.nyserda.org),  
9       and this web site gives you specific information  
10      about our West Valley site management program.  
11      That's it. Thank you.

12              MR. CHAMBERLAIN: Next we will be having a  
13      brief question and answer period for clarifying  
14      questions relating to the Environmental Impact  
15      Statement, the content of it, comments to be  
16      considered.

17              A number of you in the audience were here  
18      with us last night, and you will note that the  
19      meeting this evening is very similar, in fact  
20      identical, to the meeting last night. We have held  
21      it twice to provide people who might not have been  
22      able to come and comment last night to come this  
23      evening. The question and answer period will be the  
24      same. I would only note that at the end transcripts  
25      will be provided of both meetings, and comments and

1 questions and answers provided at either meeting  
2 will carry the same weight.

3 So we will proceed. We have two people  
4 signed up to make comments tonight. If you come in  
5 and you would like to make a comment and haven't  
6 signed up, just feel free to step up to the table  
7 and sign up, and we will go to the comments right  
8 after the question and answer period.

9 This will be about ten minutes, and I  
10 would ask Paul and Dan and Anna and Paul and Tim to  
11 come up front just for this brief period. If there  
12 are any questions, again I would ask that we try to  
13 stick to questions that deal with this study and the  
14 alternatives with the content of the study, and  
15 we'll try to make sure someone at the table can  
16 answer them for you. All right. Any questions from  
17 the audience? Diane?

18 MS. DIANE D'ARRIGO: Diane D'Arrigo. Work  
19 with Nuclear Information and Resource Service in DC,  
20 and I am a local resident. I live in Washington  
21 now, but this is my home.

22 I have a couple of questions. One is  
23 regarding the EPA guidance. The EPA -- not  
24 guidance. The EPA drinking water standards under  
25 SERCLA Super fund. Is the Department of Energy

1 planning to comply with those in its clean-up  
2 effort? Is that a bottom line that --

3 MR. CHAMBERLAIN: Can I try to repeat  
4 that, make sure everybody heard it. The question  
5 was EPA drinking water standards will.

6 MS. DIANE D'ARRIGO: SERCLA or Super Fund  
7 drinking water standards, will they be achieved in  
8 the cleanup at West Valley.

9 MR. CHAMBERLAIN: And everybody heard  
10 that.

11 MR. GIARDINA: One small point. The  
12 actual drinking water standards are part of the Safe  
13 Drinking Water Act and not Super Fund. They were  
14 enacted under the Safe Drinking Water Act.

15 The EPA was --

16 MS. DIANE D'ARRIGO: I'm sorry, could you  
17 reclarify that?

18 MR. GIARDINA: The drinking water  
19 standards for radionuclides are part of the Safe  
20 Drinking Water Act, and not SERCLA or Super Fund  
21 Act. But irregardless where they are from, there  
22 are a set of Safe Drinking Water Act standards that  
23 do specify radionuclide limits for drinking water  
24 and for drinking water sources, which would be  
25 under/around the West Valley site. The site would

1 have to comply.

2 MS. D'ARRIGO: With the drinking water or  
3 the SERCLA? Are those different standards then?

4 MR. GIARDINA: The only standards that the  
5 United States Environmental Protection Agency has  
6 that governs radionuclide content in drinking water  
7 are the Safe Drinking Water Standards. Those are  
8 the only ones.

9 MS. D'ARRIGO: These are the MCLs?

10 MR. GIARDINA: Right.

11 MS. D'ARRIGO: So will they be required to  
12 be complied with in the clean-up at this site?

13 MR. GIARDINA: For water that is drinking  
14 water, yes.

15 MS. D'ARRIGO: And is DOE planning to  
16 comply?

17 MR. SULLIVAN: In terms of an analysis,  
18 that is identified as one of the issues as part of  
19 this process. I didn't list that on my slide, but  
20 if you look at the notice, yes, that will be  
21 evaluated in the EIS. I don't know what the  
22 decision will be yet, but I mean, that will be part  
23 of the analysis, to demonstrate that that can be  
24 met.

25 MS. D'ARRIGO: So there's a question on

1 the table of whether or not DOE has to meet those?

2 MR. SULLIVAN: No, of course not. The  
3 question on the table is what the final decision  
4 will be on one of our alternatives. That's the  
5 question, but, no, no EPA has made it clear.

6 MS. D'ARRIGO: So there's no question that  
7 those will be complied with at this site in its  
8 closure?

9 MR. GIARDINA: There's something called a  
10 Regulator's Communication Plan, which we made  
11 available, I think. If not, we can get it to you.  
12 And it lists all of the radionuclide-related  
13 standards of all the agencies and what the  
14 expectations are and what has to be met, and cuts  
15 through the fact that certain radionuclide standards  
16 have been set under the Safe Drinking Water Act.  
17 There are things that apply to radionuclide limits  
18 in just about every piece of environmental  
19 legislation. Fortunately, there's no one  
20 over-arching environmental set of standards.  
21 There's radionuclide standards under the Clear Air  
22 Act, under the Drinking Water Act.

23 In an attempt to try to make it as clear  
24 as possible to the regulated community, the State  
25 and the DOE, NRC, EPA, and the State Environmental



1 Conservation Department got together over a period  
2 of a year and codified all of the environmental  
3 expectations. We delivered that to the two  
4 regulated agencies approximately a year ago,  
5 actually it's a little bit more. So you can look at  
6 that, and that's the set of expectations they've  
7 been playing with for over a year.

8 MS. D'ARRIGO: So that's the Regulator's  
9 Communication Plan from 2002?

10 MR. GIARDINA: Right.

11 MS. D'ARRIGO: And how do I get that?

12 MR. CHAMBERLAIN: We can provide that to  
13 you.

14 MS. D'ARRIGO: Great.

15 MR. CHAMBERLAIN: Ray Vaughan?

16 MR. VAUGHAN: Ray Vaughan. On page 12047  
17 of the Notice of Intent, it is stated that NRC may  
18 adopt this EIS for determining that the preferred  
19 alternative meets NRC's decommissioning criteria,  
20 assuming that NRC will find the preferred  
21 alternative acceptable. Anna, and if not you,  
22 perhaps Jim, could you explain what is meant by NRC  
23 may adopt this EIS for the purpose I just read?

24 MS. BRADFORD: NRC may adopt?

25 MR. VAUGHAN: That's the wording. I'm

1 just reading from the Notice of Intent the DOE  
2 published.

3 MS. BRADFORD: Right. NRC may adopt this  
4 EIS for determining that the preferred alternative  
5 meets NRC's decommissioning criteria?

6 MR. VAUGHAN: What does adopt mean? In  
7 what sense would the NRC adopt this EIS?

8 MS. BRADFORD: We would adopt it in the  
9 sense of the counts on environmental qualities,  
10 regulation on adoption. Whereby rather than doing a  
11 duplicative EIS, which would contain basically the  
12 same analysis and information, we can review their  
13 EIS, and if we find it acceptable, we do what's  
14 called adopting, which means we take it as our own.

15 MR. VAUGHAN: But for what purpose? Why  
16 would NRC want an EIS in the first place? What is  
17 the related NRC subject matter?

18 MS. BRADFORD: To give an analysis of the  
19 environmental impacts of the proposed action that  
20 DOE and NYSERDA have proposed, preferred  
21 alternative.

22 MR. VAUGHAN: Why would you do that, ask  
23 you to adopt something that relates to a DOE NYSERDA  
24 decision?

25 MR. LIEBERMAN: Jim Lieberman, counsel for

1 NRC staff. Of course with the Commissions policy  
2 statement that set forth the criteria for  
3 decommissioning at West Valley, and the commission  
4 noted that in setting the standards, we have to meet  
5 unique requirements. And one of the issues is the  
6 environmental impacts of a potential restricted  
7 release. And we intend to use the DOE NYSERDA EIS,  
8 if we find that document acceptable, to support the  
9 NRC's need for responsibilities.

10 MR. VAUGHAN: For adoption of standards,  
11 is that what I understood you to say?

12 MR. LIEBERMAN: No, for the acceptance of  
13 DOE's preferred alternative for meeting the  
14 licensing termination rules.

15 MR. VAUGHAN: I think you said it  
16 differently before. I may have misunderstood you.  
17 I think you said it differently before. I think you  
18 referred to adoption of standards.

19 MR. LIEBERMAN: I think the clearest  
20 explanation is in the words of the commission's  
21 document. If you go back to the license termination  
22 rule, when the Commissioner adopted the license  
23 termination rule, the Commissioner said that  
24 whenever the commission would make a termination  
25 decision under the license termination rule, they

1 would do an environmental review to determine if the  
2 licensee's approach and the impacts of the  
3 licensee's approach is consistent with a generic  
4 Environmental Impact Statement that supported that  
5 rule for licensing termination.

6 We have to do the same thing for the West  
7 Valley site. We have to, A, make sure that the  
8 preferred alternative is consistent with the license  
9 termination rule, and second, we have to evaluate  
10 the impacts of that alternative to compare it to the  
11 impacts in the generic environmental statement to be  
12 satisfied before we sign-off on the approach.

13 MR. VAUGHAN: Okay. One follow-up  
14 question that relates to understanding the rules  
15 under which DOE and NYSERDA will conduct this EIS.  
16 Again, Anna or Jim. As you understand it, is there  
17 any difference between the license termination rule  
18 and the final policy statement adopted for West  
19 Valley, or are they one in the same?

20 MR. LIEBERMAN: I think they're one in the  
21 same. The Commission spelled out that as with any  
22 licensee, there are exceptions which are available,  
23 and the Commission noted that in the policy  
24 statement. But the Commission basically adopted the  
25 license termination rule with the various options.

1 The license termination rule is not one standard,  
2 it's a variety of different approaches that could be  
3 met.

4 MR. VAUGHAN: As codified in 10 CFR,  
5 Part 20?

6 MR. LIEBERMAN: That's correct.

7 MR. CHAMBERLAIN: Anyone else before we go  
8 back to Diane? Anyone have a question?

9 MS. D'ARRIGO: I just wanted to clarify on  
10 what Ray was asking. So does that mean as we write  
11 our scoping comments, then that we should also be  
12 directing them to the NRC, too, for whatever role  
13 the NRC might have?

14 MS. BRADFORD: I think you're welcome to  
15 do that. You can comment on our role.

16 MR. LIEBERMAN: We are looking at the  
17 comments that DOE receives, because DOE is a lead  
18 agency in doing the EIS. We're a cooperative  
19 agency, as well as EPA and NYSDEC, and we want to  
20 make sure there's a four-way document that's  
21 complete and robust and it's appropriately scoped.  
22 We won't be able to adopt this document unless we're  
23 satisfied with it. If we're not satisfied with it,  
24 then we have to do our own EIS. And we would rather  
25 not spend the resources to do a duplicate document.

1 Our goal is to have the DOE EIS be a quality  
2 document. So we're going to look at the comments  
3 provided to DOE.

4 MR. CHAMBERLAIN: Okay.

5 MR. SULLIVAN: I guess I would just say,  
6 Diane, send your comments to me, send your comments  
7 to DOE. As part of the involvement in the EIS, they  
8 will see those comments.

9 MR. CHAMBERLAIN: Just logistic, we will  
10 track them through one system, all the agencies that  
11 are cooperating agencies will be tied into that  
12 tracking system.

13 MS. D'ARRIGO: But there may be no further  
14 opportunity to comment to the NRC on its further  
15 responsibilities at this site? I mean, this may be  
16 it? There's this EIS, and then there's the other  
17 half of the EIS which is now split off, but then  
18 there's the NRC license that's in abeyance. So I  
19 guess I'm wanting to be sure that -- I guess you  
20 just want as much information as possible at this  
21 point?

22 MR. SULLIVAN: NRC will see your -- they  
23 will see all the comments. So they will definitely  
24 see your comments.

25 MS. D'ARRIGO: And this is covering the

1 NRC licensed burial ground?

2 MR. SULLIVAN: The Environmental Impact  
3 Statement evaluates alternatives for the entire 3300  
4 acres, including burial grounds, yes.

5 MS. D'ARRIGO: So it should also envision  
6 how the NRC would eventually keep a license or not  
7 have a license for -- when does their license get  
8 out of abeyance? I have never really fully  
9 understood that, and so now I'm -- it's sounding  
10 like maybe NRC's going to be out of it with this  
11 EIS.

12 MR. LIEBERMAN: No. This EIS is primarily  
13 addressing DOE's responsibilities under the West  
14 Valley Demonstration Act to decommission the  
15 project. Because the license termination rule  
16 addresses the whole NRC licensed site, it needs to  
17 consider the whole site, more than just the project.

18 Once DOE has completed their activities  
19 and leaves the site, then we will reinstate the  
20 license, and if NYSERDA desires to terminate the  
21 license, they will have to submit an application.  
22 And to the extent the EIS is relevant, that will be  
23 considered in the process. To the extent that  
24 NYSERDA chooses to do something differently, they  
25 will have to supplement it with whatever additional

1 information. That process will allow for a hearing,  
2 public comment, just like any other NRC licensing  
3 case.

4 MS. BRADFORD: The policy statement says  
5 that when NYSERDA chooses to do a licensing  
6 termination or action, there will be another  
7 environmental review process that we will go  
8 through. There will be another one.

9 MS. D'ARRIGO: Will that happen for sure,  
10 or maybe not?

11 MS. BRADFORD: Assuming that NYSERDA is  
12 going to do something with their license, the way  
13 that they say that they want to, if they act to  
14 terminate the license or do something like that, we  
15 would do another environmental review.

16 MR. BEMBIA: I think from NYSERDA's  
17 perspective, that's part of this process, because  
18 the same criteria that apply to completion of the  
19 West Valley Demonstration Project apply to the  
20 termination of the license. So upon the completion,  
21 and once the project is completed, once the  
22 demonstration project is completed, the assumption  
23 is that they will have met the license termination  
24 criteria, and NYSERDA should be able to terminate  
25 the NRC license.



1                   MR. CHAMBERLAIN: Okay. One last  
2 question.

3                   MR. VAUGHAN: If there are others, I don't  
4 want to take the whole floor, but I do have one last  
5 question. Are there others?

6                   MR. CHAMBERLAIN: There is one question  
7 here, then we will take yours and call it complete.

8                   MR. ABRAHAM: I'm Gary Abraham from  
9 Concerned Citizens of Cattaraugus County. In the  
10 list of impacts in the Notice of Intent, potential  
11 cost against the background of projected massive  
12 budget deficits for the next few years. Where will  
13 the money come from to do a full cleanup, or  
14 something close to it, that will comply with the  
15 license termination?

16                   MR. CHAMBERLAIN: Let me just say that  
17 really is not part of the EIS scope, but I think we  
18 could probably --

19                   MR. ABRAHAM: I'm suggesting it should be.

20                   MR. CHAMBERLAIN: You want to take a shot?

21                   MR. SULLIVAN: Well, the EIS process, it  
22 doesn't determine that. The EIS process will, in  
23 the course of describing these alternatives, one of  
24 the elements of that description will include costs.  
25 And it essentially tells the story of, here's how

1 much it costs to do these various alternatives. It  
2 doesn't make a determination on where the money  
3 comes from. It informs the decision makers, here's  
4 how much this one costs, here's how much that one  
5 costs. But I guess I should say, those costs cannot  
6 be translated into, for instance, letting a contract  
7 to say, okay, this is going to cost \$10,000, go do  
8 it for \$10,000. These are costs for comparison  
9 across alternatives. It doesn't mean you can turn  
10 the shovel and start to do that work for that amount  
11 of money. That's not how the NEPA document is  
12 developed.

13 MR. CHAMBERLAIN: Just more specifically,  
14 the West Valley Project is funded annually by the  
15 Federal Appropriations Process; 10 percent is paid  
16 by New York and 90 percent by the Federal  
17 government. So in the hard and fast dollar area,  
18 the money comes on an annual appropriation. And  
19 what Dan is saying, you will have a cost estimate  
20 for a period of time for comparison purposes in the  
21 EIS, but the actual funding is still dependent on  
22 the annual, Federal budget process.

23 MR. ABRAHAM: And the funding comes from  
24 the Department of Energy budget, and 10 percent from  
25 NYSERDA?

1                   MR. CHAMBERLAIN: Yes, and 10 percent  
2 matching is basically automatic. It's 10 percent of  
3 the project cost. Yes, sir.

4                   MR. VAUGHAN: Dan, tonight in your  
5 presentation, last night as well, you used the  
6 phrase "with jurisdiction under law," in explaining  
7 the role of cooperating agencies. Could you explain  
8 what you mean by that, and as part of your  
9 explanation, could you say whether you were -- are  
10 referring to agencies with discretionary  
11 jurisdiction under law?

12                  MR. SULLIVAN: Give you an example. The  
13 Act is a law. NRC is defined in the Act as  
14 prescribing criteria for the site. They have  
15 jurisdiction by law, they also have a lot of  
16 expertise in the area of nuclear safety, and both  
17 those reasons have them involved in our EIS.

18                  MR. CHAMBERLAIN: Okay.

19                  MS. D'ARRIGO: I do have one more. You  
20 don't want me to?

21                  MR. CHAMBERLAIN: Yeah, one more.

22                  MS. D'ARRIGO: You said only two people  
23 signed up to talk, right? There is some pending  
24 legislation that would transfer or require DOE to  
25 provide a plan to Congress on the transfer of the

1 title. And I guess it's title possession -- title  
2 and full responsibility for all of the property, the  
3 facilities, and the waste, radioactive waste at the  
4 West Valley Nuclear Service Center to the secretary,  
5 to the Department of Energy. And I'm wanting to  
6 understand how that transfer of the title and full  
7 responsibility for the site to the Department of  
8 Energy are planned for that, would affect this  
9 process? If then the Department of Energy would  
10 then be responsible for the entire site, including  
11 the State-Licensed Disposal Area? I mean, I don't  
12 know whether this is going to pass or not, but it's  
13 happening today and now, and it seems interesting  
14 that our comment period is right when that's  
15 happening. And I wondered how it would impact this  
16 process.

17 MR. SULLIVAN: I will take a shot at it.  
18 Yeah, it is interesting. It's a hypothetical. In  
19 terms of how we analyze what these alternatives in  
20 the EIS, I mean, that is not going to not influence  
21 this process. It's a hypothetical. This process is  
22 going to look at the alternatives that we've  
23 described, so I will say it doesn't impact the work  
24 that we're going to do.

25 MR. CHAMBERLAIN: Okay.

1                   MS. D'ARRIGO: Except that it would then  
2 have DOE be responsible for the State-Licensed  
3 Burial Ground also.

4                   MR. SULLIVAN: I --

5                   MS. D'ARRIGO: That's already part of this  
6 enough that --

7                   MR. SULLIVAN: The Department does not  
8 have responsibility currently for the SDA, no. That  
9 is NYSERDA's sole responsibility for that. So how  
10 the bill turns out, if it ever turns out, I don't  
11 know.

12                  MR. CHAMBERLAIN: Just to clarify, that's  
13 draft legislation that's been introduced, it hasn't  
14 moved out of committees yet, it is simply a draft.  
15 So pure speculation on what it would end up looking  
16 like if it were passed.

17                  MR. BEMBIA: From our perspective, we  
18 would have to see how that legislation came out,  
19 again, if it hit the House.

20                  MR. CHAMBERLAIN: Okay. Anything else?  
21 All set? Thank you. Our first commentor tonight is  
22 Jim Pickering.

23                  MR. PICKERING: Last evening when I talked  
24 to you, I spent quite a bit of time talking about  
25 96.363 and the fact that this Environmental Impact

1 Statement was not legal under the Act. Towards the  
2 end of my presentation, I may have rubbed some of  
3 the wheels the wrong way by showing you that what  
4 happened when I was a kid, 55 years ago, and I  
5 mentioned the led pipe and baseball bats. I don't  
6 want to see that kind of activity develop because of  
7 what we're doing here, but I also threw in something  
8 else, a couple of words that you may not have  
9 understood. I used the words absotively and  
10 posolutely, which is cutting both those words in  
11 half, and juxtaposing them so you're supposed to  
12 think.

13           Tonight I want to criticize the use of  
14 what I call phony math. And the reason I call it  
15 phony math is because while I was waiting for Jerry  
16 to finish his supper, I was reading the summary of  
17 the '96 thing that was on the board over there, and  
18 he took it home. And in the summary, it talks about  
19 latent cancer, something or other, less than 0.  
20 There is no such a thing as less than 0. And  
21 correspondingly, there is no such a thing as  
22 106 percent or 110 percent or 100 and any percent of  
23 anything. When you do the math involving any of  
24 this stuff, you have to stick between 0 and  
25 100 percent. If you compare an object that is the

1 head of a pin, and you start using the electronic 10  
2 to the minus something ninth, you are comparing  
3 something that is smaller than the head of a pin.  
4 But you cannot use less than 0 or more than 110  
5 percent.

6 The second thing that I want to criticize  
7 about, if you will all turn your heads over there, I  
8 want to come over here and show you. Can you all  
9 hear me over there? Do you see this loaf of bread  
10 right here? That's one of the disposal areas that  
11 was constructed. That loaf of bread had to be done  
12 with the use of mechanical construction equipment  
13 such as bulldozers, clam buckets, graders, and  
14 things like that. Now that's a pretty good size  
15 piece of equipment, and there's an awful lot of  
16 radioactive material that's underneath the cover of  
17 that thing. The result of it is that the equipment  
18 and the operator were exposed to radioactive  
19 material in constructing that thing.

20 Now what happened to the equipment after  
21 that loaf of bread was constructed? During the past  
22 year I ran into a guy that was actually one of the  
23 equipment operators. You will never guess what they  
24 did? When they got done, they simply dug a hole off  
25 to the side and buried the equipment. So when you

1       get around to cleaning up that site, that equipment  
2       has got to come out of there. And it has to be  
3       treated and taken off-site just like any of the rest  
4       of the radioactive material.

5               The reason I haven't brought this forward  
6       earlier, is that this guy had a major heart attack,  
7       in which four of the five arteries were plugged.  
8       And I had to go down to his home in North Carolina  
9       and install bigger electric service so that the  
10      recommendations of the medical people that the house  
11      be maintained between 55 and 80, that meant he had  
12      to have a full-time air conditioner and full-time  
13      furnace. And when I went down there, he was unable  
14      to work and still recovering from the heart attack.  
15      I have not been able to get down there since then,  
16      but the next time I see him, if in my judgment that  
17      he is sufficiently recuperated to the point that I  
18      can take a statement from him, I will do it.  
19      Because I am a notary from the state. I will do it,  
20      and I will bring it back here and you can take it  
21      from there.

22              I think personally, that we need to know,  
23      and since he's the only one that can tell us, unless  
24      there's some other operators around the  
25      neighborhood, exactly where that equipment is



1 buried, I think we need to know that.

2 Beyond that, in my judgment, this  
3 Environmental Impact Statement that we're doing  
4 today does not comply with Public Law 96.368. And I  
5 said that yesterday and I went through a lot of  
6 detail on it, but these two things, I think, are  
7 important enough and it's the reason why I asked to  
8 speak again tonight. That information was not  
9 available to me yesterday. Thank you.

10 MR. CHAMBERLAIN: Thank you, Jim. Next  
11 commentor is Ray Vaughan.

12 MR. VAUGHAN: I also spoke last night. I  
13 have just a few follow-up comments. I will number  
14 my comments starting from where I left off last  
15 night. So my first comment tonight will be  
16 number 28.

17 In my prior comments last night, I  
18 identified a number of erosion related phenomena  
19 that may need to be taken into account in any  
20 erosion modeling. If the model is not capable of  
21 taking certain erosion-related phenomena into  
22 account, then additional conservatism may be needed  
23 in the model to compensate for what the model can't  
24 take into account.

25 My 29th and last, I think, comment is as

1 follows: We remain concerned that NRC decision  
2 making be carried out in accordance with NEPA.  
3 There are several types of NRC decision making that  
4 may need NEPA support. Specifically, NEPA must be  
5 met in the following areas of NRC decision making:

6 A, prescription of West Valley  
7 decontamination and decommissioning requirements by  
8 NRC.

9 B, determination or establishment of  
10 applicable licensing requirements for any low-level  
11 and transuranic waste disposal under Section 2(A)4  
12 of the West Valley Demonstration Project Act.

13 C, termination of the Part 50 West Valley  
14 site license.

15 D, possible relicensing of part or parts  
16 of the site, as may occur after termination of the  
17 Part 50 license.

18 Each of these four NRC decisions, or  
19 potential NRC decisions, has discretionary  
20 components and distinct elements that differ from  
21 decision to decision. Thus, each must be considered  
22 separately in terms of the NEPA obligations that it  
23 creates. Once those NEPA obligations are properly  
24 identified on a decision by decision basis, it may  
25 make sense to combine the required NRC EISes, rather

1       than prepare several separate EISes. The first  
2       step, however, is to explicitly identify  
3       discretionary NRC decisions that may have a  
4       significant effect on the environment. Probably  
5       including the four decisions listed above.

6               I'm encouraged to hear tonight that NRC  
7       recognizes that at least one of these decisions,  
8       regarding Part 50 license termination, will require  
9       its own environmental review. However, I disagree  
10      strongly with NRC's position that its prescription  
11      of West Valley decommissioning requirements does not  
12      meet its own explicitly recognized environmental  
13      review to support that prescription. NRC needs to  
14      be recognized as a decision maker, not just as a  
15      cooperating agency, and needs to assess the impacts  
16      of the decommissioning requirements that were  
17      prescribed. It needs to look at alternatives to  
18      those decommissioning requirements, and if there are  
19      any differences between the license termination rule  
20      and the West Valley decommissioning requirements, it  
21      needs to focus on those differences. It is not  
22      right for NRC to try to piggyback on this EIS  
23      without being identified explicitly as a decision  
24      maker. Thank you.

25               MR. CHAMBERLAIN: Thanks, Ray. Next

1       commentor is Diane D'Arrigo.

2               MS. D'ARRIGO: Nuclear Information and  
3       Resource Service opposes the deregulation of  
4       radioactive wastes, and all three Federal agencies  
5       that are involved here, the Nuclear Regulatory  
6       Commission, the Department of Energy, and the  
7       Environmental Protection Agency are in various  
8       states of deregulating and allowing nuclear  
9       materials, so-called low-level radioactive wastes,  
10      to be deregulated and treated as regular garbage or  
11      recycled into consumer goods. They're advocating  
12      that.

13             In the same parallel vein, we would oppose  
14      the deregulation of high-level radioactive waste to  
15      a lower status, be it to so-called low-level waste  
16      or to incidental waste. So we oppose, both here at  
17      West Valley and at the other sites around the  
18      country where reprocessing waste is, the  
19      deregulation of some of that high-level waste to WIR  
20      waste, incidental to reprocessing the deregulation  
21      of high-level waste. And it appears to be being  
22      done by linguistic detoxification, by changing  
23      assumptions in computer models or using alternatives  
24      computer models to justify not having to treat the  
25      material according to the existing regulations for

1 high-level radioactive waste. And we oppose that,  
2 as I said here, and at the other sites around the  
3 country.

4 We will be providing comments in writing  
5 before the 28th, and join in the concerns that the  
6 Coalition on West Valley Nuclear Wastes have  
7 expressed about the splitting of the Environmental  
8 Impact Statement. I asked about it yesterday, and  
9 I'm still not clear on what the real reason is for  
10 making that split, and will continue to explore that  
11 and provide input on that.

12 It was in 1996, you will notice that there  
13 was a much larger, broader community input, and I  
14 believe that the public in Western New York is very  
15 concerned about this issue and that it is something  
16 that shouldn't be underestimated.

17 MR. CHAMBERLAIN: And those are all the  
18 folks who signed up to comment. Are there other  
19 people that would like to make further comment at  
20 this time?

21 (No response.)

22 MR. CHAMBERLAIN: Okay. If that's the  
23 case, I think we're done, but I would like to  
24 mention a couple things. Anyone who's new tonight,  
25 there is a number of pieces of information up there

1       that might be valuable to this Environmental Impact  
2       Statement as a revision of the '96 draft study that  
3       was written. There are full copies up there, which  
4       are two volumes, if you would like them, and there  
5       are summaries. So if you would like that background  
6       to look at, feel free to take it. And the other  
7       thing I really want to point out, on that packet  
8       there's a one-pager comment form. You don't have to  
9       use it, it's just for your convenience. It has the  
10      address, it has the fax number, it has how you can  
11      call one in. So if you feel like you know someone  
12      or an organization that you are part of, or if you  
13      yourself would like to file a comment, the official  
14      period continues until April 28th, and we will take  
15      comments as long as possible afterwards. So please  
16      take one of these along so you have everything in  
17      one place to use if you wish to file a comment  
18      later.

19               And last but not least, written comments,  
20      ones called in, faxed in, spoken here, all get into  
21      the same process, carrying the same weight, no  
22      difference. So feel free to take one along in case  
23      you need to use it later.

24               MR. VAUGHAN: John, do you have a 100-page  
25      version of that form?

1                   MR. CHAMBERLAIN: No, but if you would  
2 like to work on it, Ray. But anyway, that's up  
3 there if you would like one. Anything else?

4                   (No response.)

5                   MR. CHAMBERLAIN: Okay. Thank you very  
6 much. Transcripts probably will be about three  
7 weeks before the transcripts are ready. All right.  
8 But we will be making those available in the public  
9 reading rooms.

10                  MS. ALLEN: If you would sign up for one  
11 so we know you want a copy, they won't go out  
12 automatically. We will be more than happy to send  
13 them. We don't want to send out unnecessary copies.

14                  MR. CHAMBERLAIN: Thank you very much for  
15 coming.

16                               (The public hearing concluded at  
17 a time of 8:07 p.m.)

18                               \* \* \*

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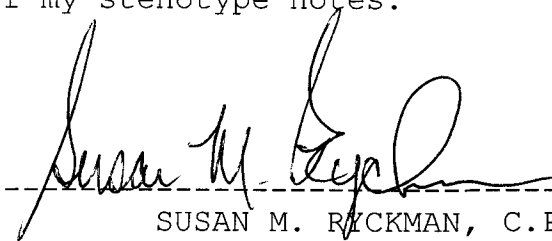
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## C E R T I F I C A T E

I, SUSAN M. RYCKMAN, do hereby certify that I have reported in stenotype shorthand the proceedings in the Public Scoping Meeting on the Draft Environmental Impact Statement at the Ashford Office Complex, at 9030 Route 219, Ashford, New York, on April 9, 2003.

That the transcript herewith numbered one through forty-seven is a true, accurate, and complete record of my stenotype notes.

  
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SUSAN M. RYCKMAN, C.P.,  
Notary Public.



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